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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,142	09/09/2003	Ed H. Frank	14184US02	5401
23446	7590	03/04/2009	EXAMINER	
MCANDREWS HELD & MALLOY, LTD				PARK, JUNG H
500 WEST MADISON STREET				
SUITE 3400				
CHICAGO, IL 60661				
				2419
ART UNIT		PAPER NUMBER		
MAIL DATE		DELIVERY MODE		
03/04/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/658,142	FRANK, ED H.	
	Examiner	Art Unit	
	JUNG PARK	2419	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 02 December 2008.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-32 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-32 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) Notice of Informal Patent Application

6) Other: _____.

DETAILED ACTION

Response to Appeal Brief

1. This communication is considered fully responsive to the Appeal Brief filed on 12/02/08.

In view of the appeal brief filed on 12/02/08, PROSECUTION IS HEREBY REOPENED. A new ground of rejection applied set forth below and this Office Action is non-final.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

Response to Arguments

2. Applicant's arguments with respect to claim have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-9, 11-19, 21-29, 31, and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Moelard et al. (US 5371738, cited in the previous PTO-892, "Moelard").

Regarding claim 1, Moelard discloses a method for providing location based configuration in a hybrid wired/wireless network, the method comprising:

- identifying a location of a network device (identifying the location of the mobile wireless station (MWS), see 30 fig.7 and col.2, ln.56-59) within the hybrid wired/wireless network (fig.7), the network device being movable within the hybrid wired/wireless network (mobile wireless station, see 30 fig.7);
- determining configuration information (switch MWS to BS2 for handover, see 216 fig.11) corresponding to the determined location of the network device (identifying the location of the mobile wireless station, see 30 fig.7 and col.2, ln.56-59); and
- communicating the determined configuration information to the network device (request and response regarding to the location of MWS, see 218-212 fig.11) for providing location based configuration of the network device (switching the MWS to BS2, see 224 fig.11).

Regarding claim 2, Moelard discloses, "wherein the network device is selected from the group consisting of an access device (stations, see 30, and 140-150 fig.10), an access point (BS, see 22 and 52 fig.10) and a switching device (switch for handover, see fig.10 and 224 fig.11)."

Regarding claim 3, Moelard discloses, “further comprising discovering configuration information from at least one of a database, and a memory associated with at least one of the access point and the switching device (database for identifying MWS, see col.2, ln.56-59 and 130 fig.4; memory, see 128 fig.4).”

Regarding claim 4, Moelard discloses, “wherein the discovering further comprises scanning the database and the memory by the access device, access point and switching device to discover the configuration information (dynamic filtering database for identifying, see col.2, ln.56-59).”

Regarding claim 5, Moelard discloses, “wherein the determining further comprises scanning at least one RF channel by at least one of the access point and the access device to discover the configuration information (wireless transmission, see fig.5).”

Regarding claim 6, Moelard discloses, “wherein the RF channel is at least one of a broadcast channel and a setup channel (broadcast, see col.1, ln.41-42; connection, see 214 fig.11).”

Regarding claim 7, Moelard discloses, “further comprising updating the network device with the communicated configuration information (updating, see abstract; col.2, ln.42, ln.65).”

Regarding claim 8, Moelard discloses, “further comprising dynamically updating the network device with the communicated information whenever it is determined that at least one network setting corresponding to a location of the network device has changed (updating for handover, see abstract; col.2, ln.42, ln.65).”

Regarding claim 9, Moelard discloses, “wherein the determined information is at least one of bandwidth etiquette and sharing rules, channel availability, preferred channel, and available communication protocols (different frequency channels, see fig.5 and col.5, ln.50-53).”

Regarding claim 11, it is a claim corresponding to claim 1, except the limitation of “a computer-readable medium (a processor and a memory, see fig.4) and is therefore rejected for the similar reasons set forth in the rejection of claim 1.

Regarding claims 12-19, they are claims corresponding to claims, 2-9, respectively and are therefore rejected for the similar reasons set forth in the rejection of the claims.

Regarding claim 21, it is a system claim corresponding to claim 1, except the limitation of “an identifier, a determinator (inherent to have an identifier and a determinator for identifying and determining functions as rejected in claim 1), and a communicator (fig.4) and is therefore rejected for the similar reasons set forth in the rejection of claim 1.

Regarding claims 22-29, they are claims corresponding to claims, 2-9, respectively and are therefore rejected for the similar reasons set forth in the rejection of the claims.

Regarding claim 31, Moelard discloses, “further comprising at least one querying agent for querying a network device for location information (a controller for managing to store filtering information, see col.4, ln.43-50).”

Regarding claim 32, Moelard discloses, “further comprising at least one informing agent for informing at least one of the access point, access device and switching device of at least one network parameter related to location based configuration (parameters within handover request message, see fig.6).”

5. Claims 10, 20, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moelard and further in view of Augart (US 7200673, cited in the previous PTO-892, “Augart”).

Regarding claims 10, 20, and 30, Moelard discloses, “triangulating locations of network routing devices named in the received routing information to determine the location of the network device (as shown in fig.7)”, but lacks what Augart discloses, “wherein the determining further comprises: sending a ping message (a probe packet, see 150 fig.2 and col.4, ln.56-67) to at least one network routing device; receiving routing information associated with the ping message (TTL values, see col.4, ln.56-67).” Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to apply the probe packet taught by Augart into the hybrid network

of Moelard in order to determine the maximum additional number of hops using Time-To-Live (TTL) field within the probe packet for routing purpose (Augart, see col.4, ln.56-67).

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jung Park whose telephone number is 571-272-8565. The examiner can normally be reached on Mon-Fri during 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan Orgad can be reached on 571-272-7884. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Jung Park/
Examiner, Art Unit 2419

/Edan Orgad/
Supervisory Patent Examiner, Art Unit 2419